

AMENDED IN SENATE MAY 5, 2009
AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 141

Introduced by Senator Maldonado
(Coauthor: Senator Benoit)
(Coauthor: Assembly Member Tom Berryhill)

February 11, 2009

An act to add Section 12301.25 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 141, as amended, Maldonado. In-home supportive services: provider timesheets.

Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium.

Under existing law, the State Department of Social Services is required, in consultation and coordination with county welfare departments, to establish and implement statewide hourly task guidelines and instructions to provide counties with a standard tool for consistently and accurately assessing service needs and authorizing service hours to meet those needs.

This bill would require the standardized provider timesheet used to track the work performed by providers of services under this chapter to contain a legal ~~verification~~ *certification* to be signed by the provider and recipient verifying ~~under penalty of perjury~~ that the information provided in the timesheet is true and correct. ~~By changing the definition of the crime of perjury, this bill would impose a state-mandated local program~~ *A person who willfully and knowingly provides false information under the bill would be subject to a specified civil penalty.*

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: *yes-no*.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12301.25 is added to the Welfare and
2 Institutions Code, to read:

3 12301.25. (a) Notwithstanding any other provision of law, the
4 standardized provider timesheet used to track the work performed
5 by providers of services under this article shall contain a legal
6 ~~verification~~ *certification* to be signed by the provider and recipient,
7 verifying ~~under penalty of perjury~~ that the information provided
8 in the timesheet is true and correct.

9 (b) *A person who willfully and knowingly provides false*
10 *information under this section shall be subject to a civil penalty*
11 *of at least five hundred dollars (\$500), but not to exceed one*
12 *thousand dollars (\$1,000), for each violation. An action for a civil*
13 *penalty under this section may be brought by any public prosecutor*
14 *in the name of the people of the State of California, and the penalty*
15 *shall be enforceable as a civil judgment.*

16 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
17 ~~Section 6 of Article XIII B of the California Constitution because~~
18 ~~the only costs that may be incurred by a local agency or school~~
19 ~~district will be incurred because this act creates a new crime or~~
20 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
21 ~~for a crime or infraction, within the meaning of Section 17556 of~~
22 ~~the Government Code, or changes the definition of a crime within~~

1 ~~the meaning of Section 6 of Article XIII B of the California~~
2 ~~Constitution.~~

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